

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1114 be amended to read as follows:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 3. IC 32-22-3 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 3. Limitations on Conveyances of Real Property Owned**
- 6 **by Movie Theater Owners**
- 7 **Sec. 1. (a) As used in this chapter, "movie theater owner" means**
- 8 **a person that owns an establishment in which commercially**
- 9 **distributed feature motion pictures are regularly exhibited to the**
- 10 **public for a charge.**
- 11 **(b) The term includes a parent corporation, a holding company,**
- 12 **or another business entity with a controlling ownership interest.**
- 13 **Sec. 2. As used in this chapter, "nominal party" means a person**
- 14 **or an entity that agrees to accept conveyance of real property**
- 15 **owned by a movie theater owner and to reconvey the real property:**
- 16 **(1) to a person designated by the movie theater owner; and**
- 17 **(2) under terms established by the movie theater owner.**
- 18 **Sec. 3. If a movie theater owner conveys real property owned by**
- 19 **the movie theater owner to a person:**
- 20 **(1) a restriction;**
- 21 **(2) a reservation;**
- 22 **(3) a condition;**
- 23 **(4) an exception; or**
- 24 **(5) a covenant;**
- 25 **that prohibits the person from using the conveyed real property to**

1 regularly exhibit commercially distributed feature motion pictures
2 to the public for a charge is, to the extent of the prohibition, against
3 public policy and void.

4 Sec. 4. A movie theater owner may not convey real property
5 owned by the movie theater owner to a nominal party in order to
6 evade the prohibition in section 3 of this chapter.

7 Sec. 5. An aggrieved person may bring an action:

8 (1) to enjoin an act of a movie theater owner that violates this
9 chapter; and

10 (2) for damages, including reasonable attorney's fees, against
11 a movie theater owner for a violation of this chapter;
12 in a circuit or superior court in the county in which the movie
13 theater is located."

14 Page 2, between lines 31 and 32, begin a new paragraph and insert:

15 "SECTION 7. [EFFECTIVE UPON PASSAGE] IC 32-22-3, as
16 added by this act, applies to a conveyance of real property from a
17 movie theater owner (as defined in IC 32-22-3-1, as added by this
18 act) to a person that occurs after the passage of this act."

19 Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as printed January 6, 2006.)

Representative Pierce